THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20294 OF 2005

DATED:15.9.2005

Between:

E.L.N.V.Prasad

…Petitioner

And

The Divisional Forest Officer

Kadapa, Kapapa District and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20294 OF 2005

ORDER:

The petitioner claims to be owner of tractor- trailer bearing No.AP 26U 8419 and AP 26U 8420. Said tractor was seized by the respondents on 31.8.2005 as it was found allegedly carrying eighty-four red sandal logs costing at Rs.1,22,700/-. Challenging the seizure, present Writ Petition is filed.

Learned counsel for the petitioner contends that petitioner's lorry was given on hire to one Balagaala Ramakrishna for transporting sand from Penna river to Kadapa town and without knowledge of the petitioner, the lorry was allegedly used for

carrying forest produce. Therefore, the seizure is illegal.

It is now settled law by reason of judgments of the Supreme Court in **State of Karnataka v. K. Krishnan** and **State of West Bengal v. Sujit Kumar Rana** that ordinarily in exercise of powers under Article 226 of the Constitution of India, this Court cannot order release of vehicles seized in connection with forest offence. If so advised, aggrieved person has to approach the Forest Officer under the provisions of the A.P.Forest Act, 1967 (for short, the Act) for release of the vehicle. Accordingly, liberty is given to petitioner to approach the first respondent under Section 44 (2-C) of the Act by filing appropriate application for interim custody of the vehicle. In this Writ Petition no relief can be granted.

The Writ Petition with the above observations is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

15.9.2005

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